

REMARKS

Claims 1-10, 20-23, 27, 28 and 30-33 are pending in the instant application. Claim 5 is allowed. Claims 1-4, 6-10, 20-23, 27, 28 and 30-33 have been rejected. Claims 1-4 and 6 have been amended. No new matter has been added, and support for these amendments can be found in the specification. Claims 8-10, 20-23, 27, 28 and 30-33 have been cancelled. After entry of these amendments, Claims 1-7 will remain pending.

Rejection of Claims 7-10, 20-23, 27, 28 and 30-33 under 35 USC §112, first paragraph

The Examiner has rejected Claims 7-10, 20-23, 27, 28 and 30-33 under 35 USC §112, first paragraph as allegedly lacking enablement. Specifically, the Examiner alleges that the scope of the method claims is not adequately enabled.

Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have cancelled Claims 8-10, 20-23, 27, 28 and 30-33.

Applicants believe that the Examiner has inadvertently rejected Claim 7, which is a pharmaceutical composition claim. The explanation of the Examiner's rejection concerns the method of treatment and prevention claims; the Examiner is silent on reasons for rejecting the pharmaceutical composition claim. Applicants contend that Claim 7 is sufficiently enabled considering that Applicants have provided extensive discussion in the specification regarding pharmaceutical compositions.

Accordingly, Applicants respectfully request that the rejection of Claims 7-10, 20-23, 27, 28 and 30-33 under 35 USC §112, first paragraph, be withdrawn.

Rejection of Claims 1-4, 6-10, 20-23, 27, 28 and 30-33 under 35 USC §112, second paragraph

The Examiner has rejected Claims 1-4, 6-10, 20-23, 27, 28 and 30-33 under 35 USC §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner suggests that Claim 1 is vague and indefinite because hydrogen in the definition of R³ contains a capital letter. Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have amended hydrogen to remove the capital letter.

The Examiner suggests that Claims 1 and 2 are vague and indefinite because the definitions of R⁴ and R⁵ contains the limitation "alkenyl, alkynyl, heterocyclyl and cycloalkyl

optionally substituted with one, two or three substituents selected from R⁷" in them. Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have removed the limitations from Claims 1 and 2.

The Examiner suggests that Claims 1, 2, 3 and 4 are vague and indefinite because the definitions of R^b, R^e and R^{e'} contain the limitation "H... optionally substituted with one, two or three substituents selected from R⁷". Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have removed the limitations from Claims 1, 2, 3 and 4.

The Examiner suggests that Claim 1 is vague and indefinite because it lacks a period indicating the end of the claim. Applicants have included a period to end the claim, which was inadvertently omitted.

The Examiner suggests that Claim 6 contains multiple instances where there is a lack of antecedent basis based upon dependency on Claim 1. Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have amended Claim 6 such that it is an independent claim.

The Examiner suggests that Claims 10, 21, 22, 27, 28, 30 and 31 are vague and indefinite for various reasons. Applicants respectfully traverse this rejection. However, without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have cancelled Claims 10, 21, 22, 27, 28, 30 and 31.

In light of these cancellations and amendments, Applicants respectfully request that the rejection of Claims 1-4, 6-10, 20-23, 27, 28 and 30-33 under 35 USC §112, second paragraph, be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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Date: June 12, 2009